MEETINGS TO DATE 8 NO. OF REGULARS 7 NO. OF SPECIALS 1

LANCASTER, NEW YORK APRIL 6, 1987

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 6th day of April 1987, at 8:00 P.M. and there were

PRESENT:

RONALD A. CZAPLA, COUNCILMAN

ROBERT H. GIZA, COUNCILMAN

DONALD E. KWAK, COUNCILMAN

JOHN T. MILLER, COUNCILMAN

STANLEY JAY KEYSA, SUPERVISOR

ABSENT:

NONE

ALSO PRESENT:

ROBERT P. THILL, TOWN CLERK

RICHARD J. SHERWOOD , TOWN ATTORNEY ROBERT L. LANEY, BUILDING INSPECTOR

ROBERT LABENSKI, TOWN ENGINEER MALCOLM J. FRANCIS, JR., ASSESSOR

NICHOLAS LO CICERO, DEPUTY TOWN ATTORNEY

PUBLIC HEARING SCHEDULED FOR 8:15 P.M.:

At 8:15 P.M., the Town Board held a Public Hearing to hear all interested persons upon the repeal of Chapter 21, "Floodplains" of the Code of the Town of Lancaster, and the proposed enactment of Local Law No. 1 of the Year 1987, entitled "Floodplains", Chapter 21 of the Code of the Town of Lancaster.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

PROPONENTS

OPPONENTS

NONE

NONE

QUESTIONS

ADDRESS

Theodore Brunea Gloria Kubicki 599 Harris Hill Rd., Lancaster, N.Y. 15 Maple Drive, Lancaster, N.Y.

PUBLIC HEARING SCHEDULED FOR 8:15 P.M. CONT'D:

ON MOTION BY COUNCILMAN KWAK, AND SECONDED BY COUNCILMAN MILLER AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 8:50 P.M.

The Town Board, later in the meeting, adopted a resolution hereinafter spread at length in these minutes approving this Local Law.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN KWAK , WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MILLER , TO WIT:

RESOLVED, that the minutes from the Regular Meeting of the Town Board, held on March 16, 1987, and the minutes from the Joint Meeting of the Town Board and the Planning Board of the Town of Lancaster, held on April 1, 1987, as presented by the Town Clerk, be and hereby are approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES

COUNCILMAN GIZA VOTED YES

COUNCILMAN KWAK VOTED YES

COUNCILMAN MILLER VOTED YES

SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

April 6, 1987

File: R-MIN

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN CZAPLA , WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN GIZA , TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

WHEREAS, proposed Local Law No. 1 of the Year 1987, entitled "Floodplains" and designated Chapter 21 of the Code of said Town provides for flood damage prevention in specific areas in the Town of Lancaster, and was introduced to the Town Board on March 16, 1987, by Councilman Czapla, and

WHEREAS, a Public Hearing was duly called and held pursuant to Law on April 6, 1987, for the purpose of repealing the present Chapter 21, of the Code of the Town of Lancaster, entitled "Floodplains Ordinance", and enacting in place thereof Local Law No. 1 of the Year 1987, entitled "Floodplains" and designated Chapter 21 of said Code,

NOW, THEREFORE, BE IT

RESOLVED that the "Floodplains Ordinance" of the Town of Lancaster, designated Chapter 21 of the Code of said Town, be and hereby is repealed and

BE IT FURTHER

RESOLVED, that the Town Board of the Town of Lancaster hereby

ENACTS Local Law No. 1 of the Year 1987, entitled "Floodplains" and designated

Chapter 21 of the Code of the Town of Lancaster, as follows:

FLOODPLAINS

LOCAL LAW NO. 1 OF THE YEAR 1987

A LOCAL LAW TO PROVIDE FOR FLOOD DAMAGE PREVENTION IN SPECIFIC AREAS IN THE TOWN OF LANCASTER.

- §21-1. Statutory authorization.
- §21-2. Purpose
- §21-3. Methods of reducing flood losses.
- §21-4. Definitions.
- §21-5. Applicability.
- §21-6. Basis for establishing areas of special flood hazard.
- §21-7. Compliance required; penalties for offenses.
- §21-8. More stringent restrictions to prevail.
- §21-9. (Reserved)
- §21-10. Disclaimer of liability.
- §21-11. Development permit required.
- §21-12. Designation of Building Inspector.
- §21-13. Duties and responsibilities of Building Inspector.
- §21-14. Variance procedure.
- §21-15. General standards.
- §21-16. Specific standards.
- §21-17. Floodways
- §21-18. Severability.
- \$21-19. When effective.

§21-1. Statutory authorization.

Pursuant to Town Law §130, Subdivision 15, the Legislature of the State of New York has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. The Town Board of the Town of Lancaster does, therefore, in the interest of promoting same, ordain as follows.

§21-2. Purpose

It is the purpose of this ordinance to promote the public health, safety, general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life and health.
- B. Minimize expenditures of public money for costly flood control projects.
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- D. Minimize prolonged business interruptions.
- E. Minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard.
- F. Help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas.
- G. Ensure that potential buyers are notified that property is in an area of special flood hazard.
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

§21-3. Methods of reducing flood losses.

In order to accomplish its purposes, this Local Law includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities.
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- C. Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel floodwaters.
- D. Controlling filling, grading, dredging and other development which may increase flood damage.
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

§21-4. Definitions.

APPEAL - means a request for a review of the Local Administrator's interpretation of any provision of this Local Law or a request for a variance.

AREA OF SHALLOW FLOODING - means a designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD - is the land in the floodplain within a community subject to a one percent or greater chance of flooding in Al-99, V, VO, VE, or VI-30. It is also commonly referred to as the base floodplain or 100-year floodplain.

BASE FLOOD - means the flood having a one percent chance of being equalled or exceeded in any given year.

BASEMENT - means that portion of a building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL - means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

 $\underline{{\sf BUILDING}}$ - means any structure built for support, shelter or enclosure for occupancy or storage.

CELLAR - has the same meaning as "Basement".

COASTAL HIGH HAZARD AREA - means the area subject to high velocity waters including, but not limited to, hurricane wave wash. The area is designated on a FIRM as Zone VI - 30, VE, VO, or V.

DEVELOPMENT - means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations located within the area of special flood hazard.

ELEVATED BUILDING - means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts & piers) or shear walls.

FLOOD or FLOODING - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- 1) the overflow of inland or tidal waters;
- 2) the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM) - means an official map of the community published by the Federal Emergency Management Agency as part of a riverine Community's Flood Insurance Study. The FBFM delineates a Regulatory Floodway along water courses studied in detail in the Flood Insurance Study.

FLOOD HAZARD BOUNDARY MAP (FHBM) - means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined but no water surface elevation is provided.

FLOOD INSURANCE RATE MAP (FIRM) - the official map of a community on which the Federal Emergency Management Agency, has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY - is the offial report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevations of the base flood.

FLOOD PROOFING - means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY - has the same meaning as "Regulatory Floodway".

FLOOR - means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction.

FUNCTIONALLY DEPENDENT USE - means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, and ship repair. The term does not include long-term storage, manufacture, sales or service facilities.

<u>HIGHEST ADJACENT GRADE</u> - means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

LQWEST: FLOOR - means lowest level including basement or cellar of the lowest enclosed area. An unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Local Law.

MANUFACTURED HOME - means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

MEAN SEA LEVEL - means for purposes of the National Flood Insurance Program, the National Deodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

MOBILE HOME - has the same meaning as "Manufactured home".

NATIONAL GEODETIC VERTICAL DATUM (NGVD) - as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the flood plain.

NEW CONSTRUCTION - means structures for which the "start of construction commenced on or after the effective date of this Local Law.

PRINCIPALLY ABOVE GROUND - means that at least 51 percent of the actual cash value of the structure, excluding land value, is above ground.

100-YEAR FLOOD - has the same meaning as "Base Flood."

REGULATORY FLOODWAY - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in §21-13B of this Local Law.

<u>SAND DUNES</u> - means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

START OF CONSTRUCTION - means the initiation, excluding planning and design, of any phase of a project, physical alteration of the property, and shall include land preparation, such as clearing, grading, and filling; installation of streets and/or walkways; excavation for a basement, footings, piers, or foundations or the erection of temporary forms. It also includes the placement and/or installation on the property of accessory buildings (garages, sheds) storage trailers, and building materials. For manufactured homes the "actual start" means affixing of the manufactured home to its permanent site.

STRUCTURE - means a walled and roofed building, a manufactured home or a gas or liquid storage tank, that is principally above ground.

SUBSTANTIAL IMPROVEMENT - means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- 1) before the improvement or repair is started; or
- 2) if the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition "substantial improvement" is considered to commence when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- any project for improvement of a structure to comply with existing state or local building, fire, health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
- 2) any alteration of a structure or contributing structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

<u>VARIANCE</u> - means a grant of relief from the requirements of this <u>Ordinance</u> which permits construction or use in a manner that would otherwise be prohibited by this Local Law.

§21-5. Applicability.

This Local Law shall apply to all areas of special flood hazard within the jurisdiction of the Town of Lancaster.

- §21-6. Basis for establishing areas of special flood hazard.
 - A. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled the "Flood Insurance Study for the Town of Lancaster," dated June 1981, with accompanying Flood Insurance Rate Maps and Flood Boundary Floodway Maps, and any revisions thereto, is hereby adopted by reference and declared to be a part of this Local Law. The Flood Insurance Study is on file at the Town Clerk's Office in the Town Hall, 21 Central Avenue, Lancaster, New York.
 - B. This Local taw is adopted in response to revisions to the National Flood Insurance Program effective October 1, 1986, and shall supercede all previous laws adopted for the purpose of establishing and maintaining eligibility for flood insurance.

In their interpretation and application, the provisions of this Local Law shall be held to be minimum requirements adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this Local Law are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards shall govern.

§21-7. Compliance required; penalties for offenses.

No structure shall hereafter be constructed, located, extended converted, or altered and no land shall be excavated or filled without full compliance with the terms of this Local Law and any other applicable regulations. Any infraction of the provisions of this Local Law by failure to comply with any of its requirements, including infractions of conditions and safequards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this Local Law or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Town of Lancaster from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this Local Law for which the developer and/or owner has not applied for and received an approved variance under Section 21-14 will be declared noncompliant and notification sent to the Federal Emergency Management Agency.

§21-8. More stringent restrictions to prevail.

This Local Law is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Local Law and other ordinances, easement covenant or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

§21-9. (Reserved)

§21-10. Disclaimer of liability.

The degree of flood protection required by this Local Law is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Local Law does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Local Law shall not create liability on the part of the Town of Lancaster, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this Local Law or any administrative decision lawfully made thereunder.

521-11. Development permit required.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in §21-6. Application for a development permit shall be made on forms furnished by the Building Inspector and shall include but shall not be limited to plans in duplicate, drawn to scale, showing the nature, location, dimensions and elevations of the area in question; and existing or proposed structures, fill, storage of materials and drainage facilities.

- A. The Building shall consider the type of proposed construction or development, the magnitude of same as well as the location in evaluating applications for development permits and determining whether a particular project will have an impact upon flood heights.
- B. A permit is required for all structural activities. These consist of walled and roofed buildings of any type, including manufactured homes intended for residential, commercial or industrial purposes, and gas or liquid storage tanks.
- C. The following information shall be required of all applications involving structural activities:
 - Elevation, in relation to mean sea level, of the lowest floor, including basement, of all structures.
 - 2) Elevation, in relation to mean sea level, to which any structure has been floodproofed.
 - Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in §21-16B.

- 4) When required, a certificate from a licensed professional engineer or architect that the utility floodproofing will meet the criteria in §21-15-C.
- 5) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- D. Upon placement of the lowest floor, or flood-proofing by whatever means, it shall be the duty of the permit holder to submit to the Building Inspector a certificate of the elevation of the lowest floor, or flood-proofed elevation, in relation to mean sea level. The elevation certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. When flood-proofing is utilized for a particular building, the floodproofing certificate shall be prepared by or under the direct supervision of a licensed professional engineer or architect and certified by same. Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Building Inspector shall review all data submitted. Deficiencies detected shall be cause to issue a stop-work order for the project unless immediately corrected.
- §21-12. Designation of the Building Inspector.

The Building Inspector is hereby appointed to administer and implement this Local Law by granting or denying development permit applications in accordance with its provisions.

- §21-13. Duties and Responsibilities of Building Inspector.
 - A. Duties of the Building Inspector shall include, but not be limited to:

PERMIT APPLICATION REVIEW

- (1) Review all development permit applications to determine that the requirements of this Local Law have been satisfied.
- (2) Review all development permit applications to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- (3) Review all development permit applications to determine if the proposed development adversely affects the area of special flood hazard. For the purposes of this Local Law, "adversely affects" means physical damage to adjacent properties. An engineering study may be required of the applicant for this purpose.
 - (a) if there is no adverse effect, then the permit shall be granted consistent with the provisions of this Local Law.
 - (b) If there is an adverse effect, then flood damage mitigation measures shall be made a condition of the permit.
- (4) Review all development permits for compliance with the provisions of Section 21-15E, Encroachments.

- B. Use of other base flood data. When base flood elevation data has not been provided in accordance with \$21-6, Basis for establishing areas of special flood hazard, the Building Inspector shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer \$21-16A and B and \$21-17A, B and C.
- C. Information to be obtained and maintained. The duties of the Building Inspector shall also include:
 - (1) Obtain and record the actual elevation, in relation to mean sea level, of the lowest habitable floor, including basement, of all new or substantially improved structures and whether or not the structure contains a basement.
 - (2) For all new or substantially improved floodproofed structures:
 - (a) Verify and record the actual elevation, in relation to mean sea level.
 - (b) Maintain the floodproofing certifications required in §21-11C(3).
 - (c) Maintain for public inspection all records pertaining to the provisions of this ordinance including variances and Certificates of Compliance.
- D. Alteration of watercourses. The duties of the Building Inspector shall also include:
 - (1) Notify adjacent communities and the New York State
 Department of Environmental Conservation prior to
 any alteration or relocation of a water course, and
 submit evidence of such notification to the Regional
 Director, Federal Emergency Management Agency, Region II,
 26 Federal Plaza, New York, New York 10278.
 - (2) Require that maintenance is provided within the altered or relocated portion of said water course so that the flood carrying capacity is not diminished.
- E. Interpretation of firm boundaries. The Building Inspector shall have the authority to make interpretations when there appears to be a conflict between the limits of the federally identified area of special flood hazard and actual field conditions.

Base flood elevation data established pursuant to §21-6, and or §21-13B, when available, shall be used to accurately delineate the area of special flood hazards.

The Building Inspector shall use flood information from any other authoritative source, including historical data, to establish the limits of the area of special flood hazards when base flood elevations are not available.

- F. Stop Work Orders.
 - (1) All floodplain development found ongoing without an approved permit shall be subject to the issuance of a stop work order by the Building Inspector. Disregard of a stop work worder shall be subject to the penalties described in §21-7 of this Local Law.
 - (2) All floodplain development found noncompliant with the provisions of this law and/or the conditions of the approved permit shall be subject to the issuance of a stop work order by the Building Inspector. Disregard of a stop work order shall be subject to the penalties described in §21-7 of this Local Law.

G. Inspections.

The Building Inspector and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify that the development is in compliance with the requirements of either the Development permit or the approved variance.

H. Certificate of Compliance.

- (1) It shall be unlawful to use or occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a Certificate of Compliance has been issued by the Building Inspector stating that the building or land conforms to the requirements of this Local Law.
- (2) All other development occurring within the designated flood hazard area will have upon completion a Certificate of Compliance issued by the Building Inspector.

All certifications shall be based upon the inspections conducted subject to §21-13G and/or any certified elevations, hydraulic information, floodproofing, anchoring requirements or encroachment analysis which may have been required as a condition of the approved permit.

§21-14. Variance procedure.

A. Appeal Board.

- (1) The Appeal Board, as established by the Town Board, shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- (2) The Appeal Board shall hear and decide appeals when it is alleged there is an error in any requirement, desision or determination made by the Town Board in the enforcement or administration of this ordinance.
- (3) Those aggrieved by the decision of the Town Board, or any taxpayer, may appeal such decision to the appropriate judicial forum as established by law.
- (4) In passing upon such applications, the Town Board of the the Town of Lancaster shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Local Law, and:
 - (a) The danger that materials may be swept onto other lands to the injury of others.
 - (b) The danger to life and property due to flooding or erosion damage.
 - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - (d) The importance of the services provided by the proposed facility to the community.
 - (e) The necessity to the facility of a waterfront location, where applicable.
 - (f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.

- (g) The compatibility of the proposed use with existing and anticipated development.
- (h) The relationship of the proposed use to the comprehensive plan and floodplain management program of that area.
- (i) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (j) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
- (k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.
- The costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;
- (5) Upon consideration of the factors of Subsection A(4) and the purposes of this Local Law, the Town Board of the Town of Lancaster may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- (6) The Town Clerk shall maintain the records of all appeal actions, including technical information and report any variances to the Federal Emergency Management Agency.

B. Conditions for variances.

- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that \$21-14A(4)(a) through (1) has been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.
- (2) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
- (3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

- (5) Variances shall only be issued upon:
 - (a) A showing of good and sufficient cause.
 - (b) A determination that failure to grant the variance would result in exceptional hardship to the applicant.
 - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in §21-14A(4) or conflict with existing local laws or ordinances.
- (6) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (7) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - (a) The criteria of subparagraphs 1, 3, 4 and 5 of this section are met:
 - (b) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.

§21-15. General Standards.

In all areas of special flood hazard, the following standards are required:

A. Anchoring.

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (2) All manufactured homes shall be installed using methods and practices which minimize flood damage. Manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Manufactured homes shall be elevated to or above the base flood elevation or two (2) feet above the highest adjacent grade when no base flood elevation has been determined. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
- B. Construction materials and methods.
 - (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. Utilities.

- (1) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. When designed for location below the base flood elevation, a professional engineer's or architect's certification is required.
- (2) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters; and
- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Subdivision proposals.

- (1) All subdivision proposals, which, for purposes of this Local Law, shall mean the division of a parcel of land into two (2) or more separate lots for resale purposes, shall be consistent with the need to minimize flood damage.
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than either 50 lots or 5 acres.

E. Encroachments.

- (1) All proposed development in riverine situations where no flood elevation data is available (unnumbered A Zones) shall be analyzed to determine the effects on the flood carrying capacity of the area of special flood hazards set forth in §21-13, Permit Review. This may require the submission of additional technical data to assist in the determination.
- (2) In all areas of special flood hazard in which base flood elevation data is available pursuant to \$21-13B or \$21-15D and no floodway has been determined the cumulative effects of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

(3) In all areas of the special flood hazard where floodway data is provided or available pursuant to \$21-13B the requirements of \$21-17, Floodways, shall apply.

\$21-16. Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in §21-6, Basis for Establishing the Areas of Special Flood Hazards, and §21.13B Use of Other Base Flood Data, the following standards are required:

A. Residential Construction.

New construction and substantial improvements of any resident structure shall:

- Have the lowest floor, including basement or cellar, elevated to or above the base flood elevation.
- (2) Have fully enclosed areas below the lowest floor that are subject to flooding designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:
 - (a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (b) The bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade; and
 - (c) Openings may be equipped with louvers, valves screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

B. Nonresidential construction.

New construction and substantial improvements of any commercial, industrial or other non-residential structure, together with attendant utility and sanitary facilities shall either: have the lowest floor, including basement or cellar, elevated to or above the base flood elevation; or be floodproofed so that the structure is watertight below the base flood level with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

- (1) If the structure is to be elevated, fully enclosed areas below the base flood elevation shall be designed to automatically (without human intervention) allow for the entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls. Designs for meeting this requirement must either be certified by a licensed professional engineer or a licensed architect or meet the following criteria:
 - (a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (b) The bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade; and
 - (c) Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters.
- (2) If the structure is to be floodproofed:
 - (a) A licensed professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice to make the structure watertight with walls substantially impermeable to the passage of water, with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - (b) A licensed professional engineer or licensed land surveyor shall certify the specific elevation (in relation to mean sea level) to which the structure is floodproofed.

The Building Inspector shall maintain on record a copy of all such certificates noted in this section.

C. Construction standards for areas of special flood hazards without base flood elevations.

New construction or substantial improvements of structures including manufactured homes shall have the lowest floor including basement elevated to or above the base flood elevation as may be determined in §21-13B or two (2) feet above the highest adjacent grade where no elevation data is available.

- (1) New construction or substantial improvements of structures including manufactured homes shall have the lowest floor (including basement) elevated at least two (2) feet above the highest adjacent grade next to the proposed foundation of the structure.
- (2) Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically (without human intervention) allow for the entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls. Designs for meeting this requirement must either be certified by a licensed professional engineer or a licensed architect or meet the following criteria:

- (a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
- (b) The bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade;
- (c) Openings may be equipped with louvers, valves screens or other coverings or openings provided they permit the automatic entry and exit of floodwaters.
- D. No manufactured homes shall be placed in a floodway, except in an existing manufactured home park or an existing manufactured home subdivision.

\$21-17. Floodways.

Located within areas of special flood hazard are areas designated as floodways (see definition, §21-4). The floodway is an extremely hazardous area due to high velocity flood waters carrying debris and posing additional threats from potential erosion forces. When floodway data is available for a particular site as provided by §21-6 and §21-13B, all encroachments including fill, new construction, substantial improvements, and other development are prohibited within the limits of the floodway unless a technical evaluation demonstrates that such encroachments shall not result in any increase in flood levels during the occurance of the base flood discharge.

The placement of any manufactured homes, except in an existing manufactured home park or existing manufactured home subdivision is prohibited.

§21-18. Severability.

Should any section or provision of this ordinance be decided by any court to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

§21-19. When Effective.

This Local Law shall take effect after mailing, filing and publication as required by Law.

and

BE IT FURTHER

RESOLVED, that the Town Clerk of the Town of Lancaster shall:

- 1. Immediately post a copy of Local Law No. 1 of the Year 1987 on the Town Bulletin Board;
- 2. Within ten (10) days, publish a certified copy of the Local Law or abstract thereof, describing the same in general terms in the Lancaster Bee, hereby declared the official newspaper for this publication;
- 3. Maintain a file in the Town Clerk's Office on Local Law No. 1 of the Year 1987, with all proofs of publication and posting required for adoption;
- 4. File certified copies of the Local Law No. 1 of the Year 1987, within five (5) days of adoption, using the official filing form, as follows:
 - (a) One (1) copy in Town Clerk's Office
 - (b) One (1) copy with State Comptroller's Office
 - (c) Four (4) copies with Office of Secretary of State;
 - (d) One (1) copy with Erie County Department of Planning;
 - (e) One (1) copy with N.Y.State Dept. of Environmental Conservation Central Office;
 - (f) One (1) copy with N.Y.State Dept. of Environmental Conservation Regional Office, attn: Rebecca Anderson;
 - (g) One (1) copy with Federal Emergency Management Agency (FEMA).

This resolution shall take effect immediately and be the only post publication and filing required for adoption of Local Law No. 1 of the Year 1987.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

April 6, 1987

LOCAL LAW NOTICE OF ADOPTION TOWN OF LANCASTER

PLEASE TAKE NOTICE, that there has been adopted by the Town Board of the Town of Lancaster, Erie County, New York, on April 6, 1987, Local Law No. 1 of the Year 1987, entitled "Floodplains", briefly described as follows:

"A Local Law to provide for flood damage prevention in specific areas in the Town of Lancaster."

State of New York : County of Erie : Town of Lancaster:

This is to certify that I, ROBERT P. THILL, Town Clerk and Registrar of Vital Statistics of the Town of Lancaster in the said County of Erie, have compared the foregoing copy of Legal Notice of Adoption of Local Law No. 1 of the Year 1987, and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 6th day of April, 1987.

Town Clerk and Registrar of Vital Statistics

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN GIZA , WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MILLER , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster adopted a resolution on September 15, 1986, approving the establishment of the Lancaster Industrial Commerce Center Water District in said Town and the construction of said improvements, and

WHEREAS, said resolution provided for the assessment, levy and collection of special assessments upon the several lots and parcels in the District to be in the same manner and at same time as other Town charges, and

WHEREAS, the Town Board has determined that it is not in the public interest to have the special assessments collected on the ad valorem basis, and

WHEREAS, the Town Board has determined that rather it is in the public interest to have the special assessments collected by assessment in proportion as nearly as may be to the benefit which each lot or parcel will derive therefrom,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby rescinds the resolution adopted September 15, 1986, approving the establishment of the Lancaster Industrial Commerce Center Water District and further withdraws the application submitted to the State Department of Audit and Control for permission to establish the aforesaid water district, and further that a new Petition for the establishment of said Water District with the same boundaries and the same plan will be submitted forthwith, and

BE IT FURTHER

RESOLVED, that the Town Clerk of the Town of Lancaster is hereby directed, within ten (10) days after adoption, to file two (2) certified copies

of this Resolution in the office of the State Department of Audit and Control in Albany, New York.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

April 6, 1987

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THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN KWAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN GIZA, TO WIT:

WHEREAS, GEORGE STEPHEN, 130 Maple Drive, Bowmansville, New York, has petitioned the Town Board of the Town of Lancaster for the rezone of certain property located on the south side of Maple Drive South Access Road approximately 878.09 feet west of the intersection of Maple Drive with the center line of Maple Road, south of the New York State Thruway from an R1-Single Family Residence District to a C1-Local Retail Business District, and

WHEREAS, this Petition was referred to the Planning Board of the Town of Lancaster for review and recommendation, and

WHEREAS, a Public Hearing on this Petition for proposed rezone was held by the Town Board of the Town of Lancaster on the 6th day of October, 1986, pursuant to public notice duly published and posted; and

WHEREAS, full opportunity to be heard was given to all parties in interest, and

WHEREAS, a review of the Petition and report of the Planning Board,
Planning Consultant and Erie County Department of Planning, and the evidence
adduced at the said Public Hearing, and the Master Plan and Master Plan
Revision and Zoning Map of the Town of Lancaster, reveals the following facts:

- 1. That the proposed rezone of the subject premises as a C1-Local Business District Use is to a use which is not presently provided for on the subject premises.
- 2. That the Zoning Ordinance of the Town of Lancaster was adopted on May 24, 1961 by the Town Board of the Town of Lancaster.
- 3. That there are areas within the Town of Lancaster which are presently zoned C1-Local Retail Business District, which would accommodate the petitioner's proposed use.
- 4. That the Petitioner knows the use group to which the subject premises is zoned, that being R1-Single Family Residence District, and the use categories within the C1 use group as enumerated in the Town Zoning Ordinance.

- 5. That the Petitioner is on notice, by virtue of the Zoning Ordinance being a public record, that there are areas designated in the Zoning Ordinance and Zoning Map, which are presently zoned to accommodate the Petitioner's proposed use.
- 6. That the Public Hearing held on October 6, 1986, on the instant rezone petition, the property owner appeared and the prospective motel developer appeared as proponents of the rezone and made the following points:
 - a. That the rezone and proposed motel will add to the tax base of the Town of Lancaster.
 - b. That said rezone and resulting motel will create jobs, some of which will be in the Lancaster area.
 - c. That there is enough buffer area between the proposed new motel and the residential areas.
- 7. That at said Public Hearing on the instant rezone petition, there were fourteen (14) opponents to the rezone who reside in the immediate area of the premises sought to be rezoned and made the following points:
 - a. That a rezone and resulting motel will infringe on the character and privacy of a quiet residential
 - b. That there is already a motel directly west of the proposed rezone and that has resulted in increased traffic and more importantly, increased large truck traffic attempting to use the existing motel.
 - c. That the above mentioned large trucks, when denied access to the parking lot of the existing motel, drive east up Maple Drive trying to find a place to turn around in said residential area.
 - d. That the existing motel has already attracted parties at said motel which results in vandalism which spills into the nearby residential area.
 - e. That an additional motel, even closer to the residential area, will increase the above mentioned negative factors dramatically.
- 8. That there is single family zoning directly east and directly south of said proposed rezone;

and

WHEREAS, the denial of this Petition for Rezone will not deny the reasonable use of the real property to the owner thereof and

WHEREAS, as the reclassification is inconsistent with the adjacent neighborhood in that it would be an intrusion of a C1-Local Retail Business

District into an R1-Single Family Residence District and therefore, the reclassification would be incompatible with the general welfare of the adjacent community, and

WHEREAS, the proposed reclassification does not fulfill a community need, but to the contrary, only fulfills the individual petitioner's needs,

WHEREAS, the proposed rezone is not in harmony with the comprehensive master plan for the development of the Town of Lancaster and would be inconsistent with the single-family residential dwelling units in the immediate area,

NOW, THEREFORE, BE IT

RESOLVED, that upon the testimony and evidence presented at the public hearing and based upon the foregoing findings, the petition of GEORGE STEPHEN be and hereby is denied.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED NO
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISIOR KEYSA VOTED NO

duly

The resolution was thereupon unanimous by adopted.

April 6, 1987

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN CZAPLA , WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN GIZA , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest to advertise for bids to furnish one (1) new 1987 Emergency Medical Vehicle for use by the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that Notice to Bidders be published in the Lancaster Bee and be posted according to Law that the Town Board will receive bids up to 8:10 o'clock P.N., Local Time on April 28, 1987, to furnish one (1) new 1987 Emergency Medical Vehicle in accordance with specifications on file in the office of the Town Clerk, which Notice shall be in form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES

COUNCILMAN GIZA VOTED YES

COUNCILMAN KWAK VOTED YES

COUNCILMAN MILLER VOTED YES

SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

April 6, 1987

LEGAL NOTICE TOWN OF LANCASTER NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed bids will be received by the Town Board of the Town of Lancaster, Erie County, New York, in Room 139 at the Central Avenue Community Center, 149 Central Avenue, Lancaster, New York, up to 8:10 o'clock P.M., Local Time, on the 28th day of April, 1987, for furnishing to the Town of Lancaster One (1) New 1987 Emergency Medical Vehicle for use by the Town of Lancaster in accordance with specifications on file in the Town Clerk's Office in the Central Avenue Community Center, 149 Central Avenue, Lancaster, New York 14086.

A certified check in the amount of One Thousand Dollars (\$1,000.00) payable to the Supervisor of the Town of Lancaster, and a Non-Collusive Bidding Certificate must accompany each bid.

The Town reserves the right to reject any or all bids and to waive any informalities.

TOWN BOARD OF THE TOWN OF LANCASTER

BY: ROBERT P. THILL Town Clerk

April 6, 1987

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN GIZA , WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MILLER , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster adopted resolutions on September 15, 1986, approving the establishment of the Lancaster Industrial Commerce Center Water District, Drainage District and Sewer District, in said Town, and

WHEREAS, the Town Board of the Town of Lancaster, after review has determined it to be in the public interest to change the name of the aforesaid Special Districts to "Lancaster Commerce Center Water District, Drainage District and Sewer District",

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby amends the title of the Special Districts aforementioned by changing the name of said Districts from Lancaster Industrial Commerce Center Water, Sewer and Drainage Districts to "Lancaster Commerce Center Water, Sewer and Drainage Districts", and

BE IT FURTHER

RESOLVED, that the Town Board of the Town of Lancaster further directs that the Town Clerk of the Town of Lancaster hereby file within ten (10) days after adoption of this resolution, two certified copies of same in the Office of the State Department of Audit and Control at Albany, New York.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

April 6, 1987

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THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN KWAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MILLER, TO WIT:

WHEREAS, SALVATORE and ELINORE ODDO, 80 Brunswick Road, Depew, New York, has petitioned the Town Board of the Town of Lancaster for the rezone of certain property on the east side of Transit Road, approximately 988 feet south of Wehrle Drive, in the Town of Lancaster, from an R1-Single Family Residence District to a C1-Local Retail Business District, said property being approximately $6.4 \pm acres$, which property is more particularly described as follows:

ALL THAT TRACT OR PARCEL OF LAND located in the Town of Lancaster, County of Erie, State of New York, being part of Lot No. 23, Section 12, Township 11, Range 6 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the center line of Transit Road which is also the west line of Lot No. 12, distance 1,080 feet southerly from the northwest corner of said Lot 12; the area to be rezoned starts 300 feet east of the above mentioned point and thence southerly parallel to the center line of Transit Road 208.0 feet; thence easterly and parallel with the north line of Lot No. 12, a distance of 1,022.87 feet more or less to the east line of Lot No. 12; thence northerly on the east line of Lot 12 a distance of 208 feet; thence westerly and parallel with the north line of Lot No. 12, a distance of 1,022.87 feet, more or less, to the point or place of beginning.

 $\quad \text{and} \quad$

WHEREAS, the Town of Lancaster Planning Baord and Planning Consultant have reviewed the rezone petition and recommended approval subject to certain conditions, and

WHEREAS, in accordance with Section 239(m) of the General Municipal Law of the State of New York, the Erie County Department of Planning has reviewed the application for rezone and made its recommendation with respect thereto, and

WHEREAS, a Public Hearing was held on the 16th day of March, 1987, at 8:15 o'clock P.M., Local Time, and

WHEREAS, full opportunity to be heard was given to any and all citizens and all parties in interest, and

WHEREAS, a review of the petition and report of the Planning Board and Planning Consultant, and the evidence adduced at said public hearing, and the Master Plan and Zoning Map of the Town of Lancaster, reveals the following facts:

- (1) That part of the property proposed to be rezoned is currently zoned R1-Single Family Residence;
- (2) That the frontage of said property on Transit Road is already zoned C1 to a depth of three hundred (300) feet:
- (3) That the property directly north on Transit Road is zoned C2-General Commercial District to a depth of 1,058.00 feet;
- (4) That the property immediately south fronting on Transit Road is already zoned C1-Local Retail Business District to a depth of three hundred (300) feet; and
- (5) That the property to the immediate south of the Petitioner is R1-Single Family Residence District and is substantially vacant at this time.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Ordinance and Zoning Map of the Town of Lancaster is hereby amended and changed to provide that the premises herein previously described and petitioned to be rezoned, shall be rezoned from an R1-Single Family Residence District to a C1-Local Retail Business District, for an additional three hundred (300) feet added to the above mentioned existing C1-Local Retail Business District zoning mentioned in No. 2 above with the remainder of the subject property being rezoned R2-General Residence District, subject to the following conditions imposed upon the rezone of the property:

- This shall be a provisional rezone with a full plan for the entire development to be submitted to the Town within six
 (6) months and construction of the first phase within one year of approval of site plan.
- (2) There will be no structures permitted more than two stories high.
- (3) All structures will be made of brick or masonry facing (all sides).
- (4) Parking areas will be paved with asphalt or concrete or paving bricks or other materials of similar dust-free quality.
- (5) Fencing, if requested, shall be installed next to adjacent easterly landowners, and said fence shall correspond to town standards.
- (6) All topsoil shall remain on site until its removal is approved by the Town Building Inspector.

- (7) That no structure shall be allowed within 45 feet of the easterly property line.
- (8) That the entire easterly property line be screened with plantings of arbor vitae at least 4 feet tall at the time of planting and spaced at 5 ft. intervals, and
- (9) Unless specifically modified by reference in this document, no sections of the Lancaster Town Code are deemed waived by this document;

and

BE IT FURTHER

RESOLVED, as follows:

- 1. That said amendment to the Zoning Ordinance be added in the minutes of the meeting of the Town Board of the Town of Lancaster, held on the 6th day of April, 1987;
- 2. That a certified copy thereof be published in the Lancaster Bee on April 9, 1987, in form attached hereto and made a part hereof;
- $\underline{3}$. That the Affidavit of Publication be filed with the Town Clerk, and
- \$. That a certified copy of this resolution be furnished to the Erie County Department of Planning.

The question of teh adoption of the foregoing resolution was duly put to a vote on roll, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

April 6, 1987

LEGAL NOTICE NOTICE OF ADOPTION AMENDMENT TO ZONING ORDINANCE TOWN OF LANCASTER

The Zoning Ordinance of the Town of Lancaster is hereby amended and the Zoning Map of said Town is hereby changed so that the real property hereinafter described is changed from an R1-Single Family Residence District to a C1-Local Retail Business District for an additional Three Hundred (300) feet added to the existing depth of Three Hundred (300) feet, with the remainder of the subject property being rezoned R2-General Residence District, subject to the following conditions being imposed upon the rezone of the property:

- (1) This shall be a provisional rezone with a full plan for the entire development to be submitted to the Town within six (6) months and construction of the first phase within one year of approval of site plan.
- (2) There will be no structures permitted more than two stories high.
- (3) All structures will be made of brick or masonry facing (all sides).
- (4) Parking areas will be paved with asphalt or concrete or paving bricks or other materials of similar dust-free quality.
- (5) Fencing, if requested, shall be installed next to adjacent easterly landowners, and said fence shall correspond to town standards.
- (6) All topsoil shall remain on site until its removal is approved by the Town Building Inspector.
- (7) That no structure shall be allowed within 45 feet of the easterly property line.
- (8) That the entire easterly property line be screened with plantings of Arbor Vitae at least 4 feet tall at the time of planting and spaced at 5-ft. intervals, and
- (9) Unless specifically modified by reference in this document, no sections of the Lancaster Town Code are deemed waived by this document;

which property is described as follows:

ALL THAT TRACT OR PARCEL OF LAND located in the Town of Lancaster, County of Erie, State of New York, being part of Lot No. 23, Section 12, Township 11, Range 6 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the center line of Transit Road which is also the west line of Lot No. 12, distance 1,080 feet southerly from the northwest corner of said Lot 12; the area to be rezoned starts 300 feet east of the above mentioned point and thence southerly parallel to the center line of Transit Road 208.0 feet; thence easterly and parallel with the north line of Lot No. 12, a distance of 1,022.87 feet more or less to the east line of Lot No. 12; thence northerly on the east line of Lot 12, a distance of 208 feet; thence westerly and parallel with the north line of Lot No. 12, a distance of 1,022.87 feet, more or less, to the point or place of beginning.

April 6, 1987

STATE OF NEW YORK:

COUNTY OF ERIE:

TOWN OF LANCASTER:

This is to certify that I, ROBERT P. THILL, Town Clerk and Registrar of Vital Statistics of the Town of Lancaster in the said County of Erie, have compared the foregoing copy of Zoning Ordinance and Zoning Map Amendment with the original thereof filed in my office at Lancaster, New York on the 6th day of April, 1987, and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 6th day of April, 1987.

Town Clerk and Registrar of Vital Statistics

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN CZAPLA , WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN GIZA , TC WIT:

WHEREAS, it is essential to public safety that the Town of Lancaster continue its participation in the coordinated effort to reduce alcohol related traffic injuries and fatalities, and

WHEREAS, the County of Erie has tendered an application to the Town of Lancaster for participation in said coordinated effort for the year 1986,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute, on behalf of the Town of Lancaster, the 1986 application with the County of Erie for participation in funding of alcohol traffic safety law enforcement activities and its court component, under the 1986 STOP-DWI Program.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES

COUNCILMAN GIZA VOTED YES

COUNCILMAN KWAK VOTED YES

COUNCILMAN MILLER VOTED YES

SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

April 6, 1987

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNICLMAN GIZA , WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MILLER , TO WIT:

WHEREAS, a regularly scheduled meeting of the Town Board of the Town of Lancaster was to be held on April 20, 1987, and

WHEREAS, a quorum cannot be mustered for the meeting as originally scheduled and it is therefore necessary to schedule an alternate date for said meeting,

NOW, THEREFORE, BE IT

RESOLVED, that the meeting of the Town Board of the Town of Lancaster, originally scheduled for April 20,. 1987, be and is hereby re-scheduled to be held on Tuesday, April 28, 1987, and

BE IT FURTHER

RESOLVED, that the Town Clerk of the Town of Lancaster, pursuant to the provisions of the Open Meeting Law, make appropriate notification of this re-scheduling to the news media.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

April 6, 1987

File: R-MEDIA-MTG (Page 4)

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN KWAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN GIZA, TO WIT:

WHEREAS, FRANK D. SURIANELLO and SANDRA E. SURIANELLO, 4878 Pineledge Drive West, Clarence, New York, have petitioned the Town Board of the Town of Lancaster for the rezone of certain property on the north side of Freeman Road, east of the intersection of Freeman Road and Transit Road, from an R1-Single Family Residence District to an R2-General Residence District, and

WHEREAS, this Petition was referred to the Planning Board of the Town of Lancaster for review and recommendation, and

WHEREAS, a Public Hearing on the petition for the proposed rezone was held by the Town Board of the Town of Lancaster on the 16th day of March, 1987 pursuant to Notice duly published and posted, and

WHEREAS, full opportunity to be heard was given to all parties in interest, and

WHEREAS, a review of the Petition and report of the Planning Board,
Planning Consultant and Erie County Department of Planning, and the evidence
adduced at said public hearing, and the Master Plan and Zoning Map of the Town
of Lancaster, reveals the following facts:

- That the proposed rezone of subject premises as an R2-General Residence District Use is to a use which is not presently provided for on the subject premises;
- 2. That the Zoning Ordinance of the Town of Lancaster was adopted on May 24, 1961, by the Town Board of the Town of Lancaster;
- 3. That the current property owner has been in title to the subject premises since August 10, 1966;
- 4. That there are areas within the Town of Lancaster which are presently R2-General Residence District, which would accommodate the Petitioners' proposed use;
- 5. That the Petitioner knows the use group to which the subject premises is zoned, that being R1-Single Family Residence District, and the use categories within that R-1 Use group as enumerated in the Town Zoning Ordinance;

- 6. That the Petitioner is on Notice, by virtue of the Zoning Ordinance being a public record, that there are areas designated in the Zoning Ordinance and Zoning Map, which are presently zoned to accommodate the Petitioners' proposed use;
- 7. That there is a substantial residential development in the immediate area of the parcel sought to be rezoned;
- 8. That at the Public Hearing held on March 16th, 1987, on the instant rezone petition, the property owner appeared as a proponent of the rezone; and
- 9. That at the Public Hearing on March 16th, 1987, on the instant rezone petition, there were no opponents to the rezone petition who reside in the immediate area of the premises sought to be rezoned,

and

WHEREAS, the denial of this petition for rezone will not deny the reasonable use of the real property to the owner thereof, and

WHEREAS, a study of the area involved reveals that a rezone of the property in question to R2-General Residence District would be for the limited benefit of the Petitioner rather than the community at large and would not be in harmony with the Comprehensive Master Plan for the development of the Town of Lancaster, and would be inconsistent with the single-family residential dwelling units in the immediate area,

NOW, THEREFORE, BE IT

RESOLVED, that upon the testimony and evidence presented at the public hearing and based upon the foregoing findings, the petition of FRANK D. SURIANELLO and SANDRA E. SURIANELLO be and hereby is denied.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

April 6, 1987

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN CZAPLA , WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN GIZA TO WIT:

WHEREAS, the Twin District Volunteer Fire Company, by letter dated March 19, 1987, has requested the confirmation of one new member duly elected to the membership of the Twin District Volunteer Fire Company,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the addition to the membership of the Twin District Volunteer Fire Company of the following individual:

Michael Corrga 4781 Transit Road Depew, New York 14043

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES

COUNCILMAN GIZA VOTED YES

COUNCILMAN KWAK VOTED YES

COUNCILMAN MILLER VOTED YES

SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

April 6, 1987

FILE: R-FIRE Page 1

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN CZAPLA , WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN KWAK , TO WIT:

RESOLVED, that RICHARD J. SHERWOOD, be and is hereby appointed a member of the Assessment Review Board, for the period April 6, 1987 to September 30, 1989 to fill the vacancy created by the resignation of Dominic J. Terranova on December 31, 1986.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES

COUNCILMAN GIZA VOTED YES

COUNCILMAN KWAK VOTED YES

COUNCILMAN MILLER VOTED YES

SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

April 6, 1987

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Kwak/	Approve Amended	Residency	Rule	Requirement	for
	Town-sponsored	Recreation	Dent.	Programs	

At the request of Councilman Kwak, Prefiled Resolution No. 13 was withdrawn pending further study and review.

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THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN GIZA , WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MILLER , TO WIT:

A meeting of the Town Board of the Town of Lancaster, in the County of Erie, New York, held at Central Avenue Community Center, in said Town, on the 6th day of April, 1987.

RESENT:

HON. STANLEY JAY KEYSA, Supervisor HON. RONALD A. CZAPLA, Councilman HON. ROBERT H. GIZA, Councilman HON. DONALD E. KWAK, Councilman HON. JOHN T. MILLER, Councilman

In the Matter of the

stablishment of Lancaster

mmerce Center Water District,

the Town of Lancaster, County of

tie, New York, upon petition pursuant:

Article 12 of the Town Law.

ORDER CALLING
PUBLIC HEARING
TO BE HELD ON
APRIL 28 , 1987

WHEREAS, a written petition, in due form, and containing e required signatures duly acknowledged or proved, has been esented to and filed with the Town Board of the Town of master (herein called "Town Board" and "Town" respectively), the County of Erie, New York, praying for the establishment of e lancaster Commerce Center Water District in the Town (herein lled "District"); and

WHEREAS, the Town Board has heretofore caused Gordon and oderick Associates, duly licensed engineers of the State of New tk, to prepare a general map; plan and estimate of the cost of distructing improvements in Lancaster Commerce Center ter District in the Town, which map, plan and estimate of

cost (the "Study") have been duly filed in the office of the Town clerk of the Town for public inspection;

WHEREAS, the proposed District is bounded and described as follows:

All that tract or parcel of land situate in the Town of Lancaster, County of Erie and State of Yew York being part of Lots 4 & 6, Section 5, Township 11, Range 6 of the Holland Land Company's Survey and more particularly bounded as follows:

Beginning at a point in the centerline of Pavement Road (66' wide), also being the westerly line of Lot 5, Six Hundred Fifteen (615.0) feet northerly from the southwesterly corner of lot 6, also being the northerly line of Walden Ave. (99' wide) extended; thence north-easterly, parallel with Walden Ave., Four Hundred and Sixty-Five Hundredths (400.65 feet to a point; thence southerly parallel with Pavement Road, Eighty-Seven and Ninety-Nine Hundredths (87.99) feet to a point, thence southeasterly, at an interior angle of 94°-53'-30" Three Hundred Seventy-Six and Forty-Two Hundredths (376.42) feet to a point; thence northerly parallel with Pavement Road, Two Hundred Sixty and Seventeen Hundredths (260.17) feet to a point; thence southeasterly on a curve to the left having a radius of 1535 feet, Fifty and Twenty-One Hundredths (50.21) feet to a point; thence southerly parallel with Pavement Road, Two Hundred Sixty (260.0) feet to a point; thence southeeasterly at an interior angle of 90°-23'-07", Four Hundred Forty-Two and Twenty-Three Hundredths (442.23) feet to a point; thence northerly parallel with Pavement Road, Two Hundred Sixty (260) feet to a point; thence northeasterly at an exterior angle of 93°-55'-06", Thirty and Seven Hundredths (30.07) feet to a point, thence southerly parallel with Payement Road, Two Hundred Sixty-One and Six Hundredths (261.06) feet to a point; thence northeasterly at an interior angle of 81°-06'-30", Six Hundred Twenty and Ninety-Two Hundredths (620.92) feet to a point; thence northerly parallel with the easterly line of Lot 4, Seven Hundred Five and Sixty-Seven Hundredths (705.67) feet to a point; thence northeasterly at an exterior angle of 92°-19'-10", Fifty and Four Hundredths (5004) feet to a point; thence southerly parallel with the easterly line of Lot 4. Six Hundred Ninety-Seven and Fifty-Two Hundredths (697.52) feet to a point, thence northeasterly Parallel with Walden Ave., Three Hundred Twenty-One and

Forty-Five Hundredths (321.45) feet to a point; thence southerly parallel with the easterly line of Lot 4, Fifty-One and Two Hundredths (51.02) feet to a point; thence southwesterly parallel with Walden Ave., Five Hundred Twelve and Minety-Nine Hundredths (512.99) feet to a point; thence southerly parallel with Pavement Road, Two Hundred Fifty (250.0) feet to a point in the northerly line of Walden Ave., also being the southerly line of Lot 4; thence northeasterly along the northerly line of Walden Ave. and southerly line of Lot 4, Eight Hundred Eighty-Nine and Fifty Hundredths (889.50) feet to the southeasterly corner of Lot 4; thence northerly along the easterly Line of Lot 4, One Thousand Three Hundred Fifty-Seven and Fifty-Two Hundredths (1357.52) feet to a point; thence south-westerly at an interior angle of 87°-40'-50", One Thousand Three Hundred Sixty-Nine and Forty-Four Hundredths (1369.44) feet to a point; thence southerly parallel with Pavement Road, Five Hundred Forty-Three (543.0) feet to a point; thence southeasterly at an interior angle of 90°-26'-00", Fifteen (15.0) feet to a point; thence southerly parallel with Pavement Road, Three Hundred Seventy-Four and Seventy Hundredths (174.70) feet to a point; thence southwesterly at an exterior angle of 93°-55'-00", Thirty and Seven Hundredths (30.07) feet to a point; thence northerly parallel with Pavement Road. Three Hundred Seventy-Six and Ninety-Eight Hundredths (376.98) feet to a point; thence westerly at an interior andle of 90°-26'-00", One Thousand Two Hundred Fifty-Nine and Ninety-3ix Hundredths (1259.96) feet to a point in the centerline of favement Road, also being the westerly line of Lot 6; thence southerly on the centerline of Pavement Road, Six Hundred Eighty-Four and Fifty-Eight Hundredths (684.53) feet to the point or place of beginning, containing 60.54 acres.

WHEREAS, the Town Board of the Town having considered and reviewed applicable environmental laws and regulations, has heretofore determined that the establishment of the proposed District and construction of improvements therein will create no adverse impact or detriment upon the environment within the Town;

WHEREAS, the maximum amount proposed to be expended for the construction of said improvements is \$147,000, which is planned to be financed by the issuance of serial bonds of the Town, and the assessment, levy and collection of special assessments upon the several lots or parcels of land deemed especially benefited by said improvements so much upon and from each as shall be in just proportion to the amount of benefit which the improvements shall confer upon the same; now therefore, be it

ORDERED, that the Town Board of the Town, meet and hold a public hearing at the Central Avenue Community Center (formerly Central Avenue School) located on Central Avenue, Lancaster, New York, on the 28th day of April , 1987, at 8:45
O'clock P.M. (Prevailing Time) in Room No. 139, to consider the establishment of the District and the construction of such improvements therein as herein referred to, and to hear all persons interested in the subject thereof, concerning the same,

and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it

FURTHER ORDERED, that the Town Clerk publish at least once in "LANCASTER BEE", a newspaper published in Lancaster, New York, having a general circulation in the Town of Lancaster, and hereby designated as the official newspaper of the Town for such publication, and post conspicuously on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the day set and designated therein for such public hearing as aforesaid.

DATED: April 6, 1987

TOWN	BOARD	OF	THE	TOWN	OF	LANCASTER
-	Supe	rvi	sor			
	Coun	cil	man			
	Coun	cil	man			
	Coun	cil	man			

SEAL)

Councilman
Members of the Town Board of the
Town of Lancaster, New York

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES COUNCILMAN GIZA VOTED YES COUNCILMAN KWAK VOTED YES COUNCILMAN MILLER VOTED YES SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

April 6, 1987

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN MILLER , WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN GIZA , TO WIT:

WHEREAS, the Supervisor of the Town of Lancaster has requested an amendment to the 1987 Townwide General Fund Budget,

NOW, THEREFORE, BE IT

RESOLVED, that the following budget amendment be and hereby is authorized to the 1987 Townwide General Fund Budget:

	ACCT. NO.	INCREASE
GENERAL FUND:		
Appropriated Fund Balance Budget Appropriations	A 599 A 960	5,500.00 5,500.00
Law Professional Services	A1420.0410	5,500.00

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES

COUNCILMAN GIZA VOTED YES

COUNCILMAN KWAK VOTED YES

COUNCILMAN MILLER VOTED YES

SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

April 6, 1987

File: R-ACCT-TRNS (Page 4)

PREFILED RESOLUTION NO. 1	PR	REF	ILED	RESC	LUTIO	ON NO.	. 16
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Giza/	Authorize Supervisor to Execute Amendatory
	Agreement - CD Funds - Glendale/Parkdale
	Sidewalk Project to Penora St. Project

 $\label{eq:At the request of Councilman Giza, Prefiled Resolution No. 16 was $$ $ \mbox{withdrawn for further study and review.} $$$

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN GIZA , WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR CZAPLA, TO WIT:

WHEREAS, P. Richard Marino, a Laborer in the service of the Buildings Department of the Town of Lancaster, has requested a leave of absence, without pay, for the period April 13, 1987 through April 24, 1987, and,

WHEREAS, the Buildings Department Foreman, by letter dated March 18, 1987, has approved such request,

NOW, THEREFORE, BE IT

RESOLVED, that P. Richard Marino be and hereby is granted a leave of absence, without pay, for the period April 13, 1987 through April 24, 1987.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES

COUNCILMAN GIZA VOTED YES

COUNCILMAN KWAK VOTED YES

COUNCILMAN MILLER VOTED YES

SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

April 6, 1987

File: R-PERS-LVE

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR KEYSA , WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN GIZA , TO WIT:

WHEREAS, certain on-site modifications in the alterations of the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York have resulted in the necessity of change orders, and

WHEREAS, Shelgren & Marzec, Architects, by letters dated

April 6, 1987, have recommended such change orders be accepted by the Town

of Lancaster, and said change orders are on file with the Town Clerk,

NOW, THEREFORE, BE IT

RSOLVED, that the Supervisor be and hereby is authorized an directed to execute the following change orders:

Change Order No. 3 - HSVP Contract - Frank C. Kellner Co., Inc.:

bottom edges

Clerks

3.

to Dressing Room

first floor - omit door 111 & new

surrounding partition at bottom of stairs

first floor - repoint existing brick wall

where cracked, between Tax Receiver & Tax

1.	basement - south side- revise sprinkle	r	
	layout & raise lines to above ceiling	Add	982.00
2.	basement - north side - revise sprinkl		
_	layout & raise lines to above ceiling	Add	1,104.00
3.	basement - first floor - relocate spri		
	lines in Tax Clerks/Tax Receiver, Town		
	Attorney; add sprinkler head at east s	Add Add	720.00
4.	Door 101 at heade of basement stair substitute 1/2" rigid fiberglass pipe	Add	720.00
٠.	insulation and PVC pipe covering at al	1	
	exposed heating lines	Add	690.00
5.	basement - Building Inspector/Assessor		0,000
- •	Office: omit ductwork on north side ar		
	exhaust fan E.F3; furnish and instal	1 3	
	window fans in glass block windows and		
	controlled same as for E.F3; in		
	Accounting, Supervisor's Office, locat		
	E.F2 in former door opening on sout		
	wall of Accounting and relocate ductwo	ork	
	as directed on job		1 605 00
		Add	1,605.00
		Net Total Add	5,101.00
		Contract Amt.	140.757.00
	Adjusted	Contract Amt.	145,858.00
	nge Order No. 3 - General Contract - rest. Inc.:		
1.	first floor - change chair rall from 2 $11/16^n$ to 5 $1/2^n \times 3/4^n$ with molded to		

111

117.00

722.00

165.00

Add

Add

Deduct

4.	first floor - in Tax Lobby, omit dropped ceiling along west wall, new suspended plaster ceiling shall stop approx. 5' south of north wall; at this point, new lath & plaster ceiling shall turn up 90 degrees to 2nd floor joists and then turn horizontally		
5.	90 degrees and extend to south wall basement - omit plaster soffit at west end	Add	605.00
	of Data Processing Room	Deduct	477.00
6.	basement - in lower hall, omit plaster at wall where electrical panel is located;		
7.	brick to be exposed and cleaned	Add	180.00
/ •	<pre>basement - in lower hall, at new stairs, west end, install existing handrails</pre>		
8.	instead of new handrails basement - omit furring, lath & plaster	Deduct	120.00
•	around duct on south side (duct is being		45.00
9.	omitted) basement - over north-south ramp at east	Deduct	45.00
	end of lower hall, omit new suspended plaster ceiling and install new accoustical tile ceiling	Deduct	404.00
	Net Total		
			288,819.00 304,786,00 288,118.00 304,095,00
	•		To consider on PAT
	nge Order No. 1 - Electric Contract - Win Electric Corp.:		
1.	install two type G fixtures in Town Board Room	Add	312.00
2.	change type F fixture to type G fixture	Add	312.00
	in Tax Clerks and add one type K fixture in Tax Lobby	Deduct	183.00
3.	revise lighting pattern in Town Clerk's		
4.	Department revise vault lighting pattern		No Change No Change
5.	relocate telephone outlet in 1st floor		· ·
e	Conference Room		No Change
6.	eliminate one type F fixture in Town Board		

1.	Install two type G fixtures in Town Board Room	Add		312.00		
2.	change type F fixture to type G fixture	Add		312.00		
	in Tax Clerks and add one type K fixture	_				
_	in Tax Lobby	Deduct		183.00		1
3.	revise lighting pattern in Town Clerk's					
	Department			Change		
4.	revise vault lighting pattern		No	Change		
5.	relocate telephone outlet in 1st floor			0.		
_	Conference Room		NO	Change		
6.	eliminate one type F fixture in Town Board			400 00		
-,	Room	Deduct		400.00		
7.	relocate switch receptable in Employees'		N1	06		
•	Room		NO	Change		
8.	relocate exit sign from south side to		N	Ob =====		
0	north side of basement main hall		NO	Change		
9.	photo cell for bus shelter fixture to		Ma	Change		
10	remain as shown		NO	Change		
10.	relocate telephone and computer outlets in		Ma	Change		
11	Tax Receiver		NO	Change		
11.	revise lighting patterns in parts of basement		No	Change		
12.	omit boiler panel			Change		
13.				Change		1
	make exit signs in basement wall mounted add three type K fixtures, outlets & switche	•	NO	Change		*
14.	in basement at eastend over north/south ramp			325.00		
15.	credit for not removing drywall	Add	No	Change		
16.	relocate outlet on vault wall in Town		140	Change		
10.	Clerk's Dept. as directed		No	Change		
17.	in Town Clerk's Dept., add intrusion		110	ondinge		
• •	detector on west wall, to be directed					
	towards vault	Add		175.00		
18.	in Town Clerk's Office, change wall outlet	,,,,,				
	locations as directed		No	Change		
19.	add four type A fixtures in Bidg. Inspector/	,		-		
	Assessor's Office	Add		422.00		
20.	add duplex receptacle in Accounting as			-		
-	directed	Add		46.00		
					; 1	1 1

21. Install two double duplex outlets and connection to Gamwell box light in Bldg. inspectors/Assessor's Office Add 134.00

Net Total Add 831.00 Contract Amt. 59.296.00 Adjusted Contract Amt. 60,127.00

and,

BE IT FUTHER

RESOLVED, that each of the adjusted contract amounts, for Everett, Inc., Frank C. Kellner Co., Inc., and Goodwin Electric Corp. for the rehabilitation of Lancaster Town Offices, are subject to the following conditions:

- a) the aforementioned changes and the work affected thereby are subject to all contract stipulations and covenants,
- b) the rights of the Town of Lancaster are not prejudiced,
- c) all claims against the Town of Lancaster which are incidental to, or as a consequence of, the aforementioned changes are satisfied.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES

COUNCILMAN GIZA VOTED YES

COUNCILMAN KWAK VOTED YES

COUNCILMAN MILLER VOTED YES

SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

April 6, 1987

File: R-CHNG-ORD (Pages 1 & 2)

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN KWAK , WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN GIZA , TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid from their respective accounts:

Claim No. 989 to Claim No. 1237 Inclusive.

Total amount hereby authorized to be paid:

\$ 530,778.48

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

April 6, 1987

File: R-CLAIMS

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN KWAK , WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MILLER , TO WIT:

RESOLVED, that the following Building Permit Applications be and are hereby approved and the issuance of Building Permits be and are hereby authorized:

NO.	NAME.	ADDRESS	STRUCTURE
47	Complete Home Improve.	198 Westwood Rd.	EX. SIN. DWLG
48	Gates Const. Co.	3611 Bowen Rd.	ER. SIN. DWLG, GARAGE
49	M/M Norbert Rzeszutck	1211 Penora St.	ER. SHED, FENCE
50	Robert Heckl	706 Pavement Rd.	ALT. ROOF
51	lona Bullders	8 Quail Hollow	ER. SIN. DWLG, GARAGE
52	lona Builders	2 Quail Hollow	ER. SIN. DWLG, GARAGE
53	iona Builders	18 Quall Hollow	ER. SIN. DWLG, GARAGE
54	lona Builders	17 Country PI.	ER. SIN. DWLG, GARAGE
55	iona Builders	12 Quall Hollow	ER. SIN. DWLG, GARAGE
56	Arthur Tubisz	1236 Penora St.	ER. SHED, FENCE
57	Bella Vista Invest.	6497 Transit Rd.	EXT. 2 BATHROOMS
58	James Laughlin	163 Peppermint Rd.	ER. SHED
59	Schmitts Garage	5255 Genesee St.	ER. FENCE
60	Eugene Czapski	5312 William St.	ER. SIN. DLWG, GARAGE
61	Waiter Kolkiewicz	790 Ransom Rd.	ER. SIN. DWLG, GARAGE
62	Forbes Homes Inc.	80 Schlemmer Rd.	ER. SIN. DWLG, GARAGE
63	Harris Hill Deli	5375 Genesee St.	ER. SIGN
64	Stephen F. Ulm	1167 Penora St.	ER. SHED
65	Iona Builders	15 Quall Hollow	ER. SIN. DWLG, GARAGE
66	lona Builders	4 Quall Hollow	ER. SIN. DWLG, GARAGE
67	Iona Builders	23 Quall Hollow	ER. SIN. DWLG, GARAGE
68	lona Builders	21 Quall Hollow	ER. SIN. DWLG, GARAGE
69	Fred Danato	1125 Penora St.	ER. SIN. DWLG
70	Fred Danato	1101 Penora St.	ER. SIN. DWLG, GARAGE
71	Fred Danato	1099 Penora St.	ER. SIN. DWLG, GARAGE
72	Fred Danato	1185 Penora St.	ER. SIN. DWLG, GARAGE
73	Fred Danato	1183 Penora St.	ER. SIN. DWLG, GARAGE

			Page 235
74	Fred Damato	1103 Penora St.	ER. SIN. DWLG, GARAGE
75	Lovejoy Floor Cover.	Como Park Blvd.	ER. SIN. DWLG, GARAGE
76	Lovejoy Floor Cover.	Como Park Blvd.	ER. SIN. DWLG, GARAGE
77	Lovejoy Floor Cover.	Como Park Blvd.	ER. SIN. DWLG, GARAGE
78	Lovejoy Floor Cover.	Como Park Blvd.	ER. SIN. DWLG
79	Wymar Builders	1178 Penora St.	ER. SIN. DWLG
80	Marrano/Marc Equity	35 Shadyside La.	ER. SIN. DWLG, GARAGE
81	Marrano/Marc Equity	29 Shadyside La.	ER. SIN. DWLG
82	Donald W. Gill	23 Summit St.	ER. SIN. DWLG, GARAGE
83	William McCabe	5156 William St.	ER. SIN. DWLG, GARAGE
84	Jerome Cyrek	5191 Genesee St.	EXT. SIN. DWLG
85	Leszek Morawski	512 Hall Rd.	ER. SIN. DWLG, GARAGE
86	NDC	41 Country PI.	ER. SIN. DWLG, GARAGE
87	Howard Andres	22 Candice Ct.	ER. FENCE
88	Pioneer Dreams	5153 Transit Rd.	PL. TEMP. SIGN
89	M/M Richard Dirmyer	24 Fox Hunt Rd.	ER. POOL, DECK, FENCE
90	Zaepfe-Krog Corp.	4474 Walden ave.	EXT. BUSINESS
91	M/M Daniel Cronk	35 Steinfeldt Rd.	ER. FENCE
92	Pat-Eddy Const.	1284 Penora St.	ER. SIN. DWLG
93	Nat'l Advertising	Genesee Rd.	ER. SIGN
94	W.F.B. Enterprises	214 Belmont Rd.	ER. SIN. DWLG, GARAGE

BE IT FURTHER

and,

RESOLVED, that Building Permit Application Nos. 48, 60, 61, 62, 82, 83, and 85, be and are hereby approved with a waiver of the Town Ordinance requirement for sidewalks.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES

COUNCILMAN GIZA VOTED YES

COUNCILMAN KWAK VOTED YES

COUNCILMAN MILLER VOTED YES

SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN CZAPLA , WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN GIZA, TO WIT:

WHEREAS, the Bowmansville Volunteer Fire Association, Inc., by letter dated April 6, 1987, has requested the confirmation of five new members duly elected to the membership of the Bowmansville Volunteer Fire Association, Inc.,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the additions to the membership of the Bowmansville Volunteer Fire Association, Inc. of the following individuals:

PROBATIONARY ACTIVE MEMBER

James Andrzejewski 86 Stutzman Road Bowmansville, New York

Timothy Porzio 23 Tanglewood Drive Lancaster, New York

Christopher Schroeck 49 Meadow Lea Lancaster, New York

PROBATIONARY NON-RESIDENT ACTIVE MEMBER

James Guarino 31 Harmony Lane Cheektowaga, New York

Timothy Domzalski 19 Melody Lane Cheektowaga, New York

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES

COUNCILMAN GIZA VOTED YES

COUNCILMAN KWAK VOTED YES

COUNCILMAN MILLER VOTED YES

SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

Page 237
Councilman Kwak requested a suspension of the necessary rule for immediate consideration of the following resolution:
SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN KWAK , WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MILLER , TO WIT:

WHEREAS, PAT MARRANO, as Trustee for P.A. Marrano Trust, 265
Marrano Drive, Depew, New York, has submitted a site plan for approval by
the Town Board of the Town of Lancaster for a townhouse development on
William Street known as Eastwood Village, and

WHEREAS, the Town Board has reviewed the site plan and comments made by the Chief of Police relative to the site plan,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the site plan submitted by Pat Marrano, with the following conditions:

- Developer to place all traffic control devices as required by Town Board;
- Developer to modify the traffic island at the entrance/exit onto William Street by removing same south twenty (20) feet to assure that there is no visual interference at the intersection with William Street;
- Developer to obtain approval of Town Board for street names;
- 4. Street lighting at the point of ingress/egress to William Street to be installed in the center of the traffic island.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

April 6, 1987

Supervisor Keysa requested a suspension of the necessary rule for immediate consideration of the following resolution:

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR KEYSA , WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN KWAK , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest upon the recommendation of the office of the Building Inspector and Town Attorney's Office of the Town of Lancaster, to amend the Zoning Ordinance of the Town of Lancaster, known at Chapter 50 of the Code of the Town of Lancaster, by deleting Section 50-51, (A)(5) and further amending Section 50-57 by adding thereto, the following:

"§50-57. A.

14. Commercial billboard provided it shall not be located nearer than one hundred fifty (150) feet to any street line or any R or SA District boundary. Such billboard may be illuminated by a nonflashing source of light directed away from any street line or adjoining property line."

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 130 of the Town Law of the State of New York, a Public Hearing on the said proposed deletion of Section 50-51(A)(5) and the amendment of Section 50-57(A) of the Zoning Ordinance of the Town of Lancaster known as Chapter 50 of the Code of the Town of Lancaster, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 28th day of April, 1987, at 8:20 o'clock P.M. Local Time, and that Notice of the time and place of such hearing be published on April 16, 1987, in the Lancaster Enterprise, being a newspaper of general circulation in said Town and posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

April 6, 1987

LEGAL NOTICE PUBLIC HEARING TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 6th day of April, 1987, the said Town Board will hold a Public Hearing on the 28th day of April, 1987, at 8:20 o'clock P.M., Local Time, in Room 139 at the Central Avenue Community Center, 149 Central Avenue Lancaster, New York, to hear all interested persons upon the deletion of Section 50-51(A)(5) which reads as follows:

"\$50-51 (A)(5). Commercial billboard provided it shall not be located nearer than one hundred fifty (150) feet to any street line or any R or SA District boundary. Such billboard may be illuminated by a nonflashing source of light directed away from any street line or adjoining property line."

and amending Section 50-57(A) by adding thereto the following:

''§50-57 (A).

14. Commercial billboard provided it shall not be located nearer than one hundred fifty (150) feet to any street line or any R or SA District boundary. Such billboard may be illuminated by a nonflashing source of light directed away from any street line or adjoining property line."

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE TOWN OF LANCASTER

BY: ROBERT P. THILL Town Clerk

April 6, 1987

Supervisor Keysa requested a suspension of the necessary rule for immediate consideration of the following resolution - SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR KEYSA , WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN KWAK, TO WIT:

WHEREAS, the Supervisor of the Town of Lancaster, by letter dated March 18, 1987, has recommended to the Town Board that the bingo inspection fee presently paid to the Bingo inspectors of the Town of Lancaster be raised, and

WHEREAS, there has been no increase in the amount paid to the Bingo inspectors for each inspection since January 1985,

NOW, THEREFORE, BE IT

RESOLVED, that the rate of compensation to be paid to the Bingo inspectors of the Town of Lancaster be and is hereby raised from \$37.25 per inspection to \$40.00 per inspection, said \$40.00 fee to include necessary mileage, and

BE IT FURTHER

RESOLVED, that this resolution shall take effect on Tuesday, April 7, 1987.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES

COUNCILMAN GIZA VOTED YES

COUNCILMAN KWAK VOTED YES

COUNCILMAN MILLER VOTES YES

SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

April 6, 1987

File: R-SALARIES

STATUS REPORT ON UNFINISHED BUSINESS:

- 1. <u>Dumping Permit Keith A. Wilkinson</u>
 On September 11, 1986, this application was referred to the Planning Board, Planning Consultant, Building Inspector and Town Engineer for review and report to the Town Board.
- 2. Public Improvement Permit Authorization Country View East Subdivision. Phase I (Marrano/Marc Equity).

 The retention pond has not yet been accepted but completion is secured by a Letter of Credit expiring on November 1, 1987.
- 3. Public Improvement Permit Authorization Country View East Subdivision. Phase II (Marrano/Marc Equity).
 This item remains under unfinished business until a retention basin is constructed on the Lancaster Sr. High School property.
- 4. Public Improvement Permit Authorization Country View East Subdivision. Phase III (Marrano/Marc Equity).
 This item remains under unfinished business until a retention basin is constructed on the Lancaster Sr. High School property.
- Public Improvement Permit Authorization Country View East Subdivision. Phase IV (Marrano/Marc Equity). On March 16, 1987, the Town Clerk was authorized to issue P.I.P. Nos. 109 (Street Lighting), 110 (Sidewalks), 111 (Pavement and Curbs), 112 (Storm Sewer), and 113 (Water Line).
- 6. Public Improvement Permit Authorization Countryside Subdivision, Phase II (Josela Enterprises)
 On March 16, 1987, the Town Clerk was authorized to Issue P.I.P. Nos. 102 (Street Lighting), and 103 (Sidewalks).
- 7. Public Improvement Permit Authorization Heritage Hills Subdivision, Phase I
 The Town Board is awaiting maintenance security for P.I.P. No. 65 (retention pond) prior to acceptance.
- Public Improvement Permit Authorization Heritage Hills Subdivision, Phase II
 On March 16, 1987, the Town Clerk was authorized to issue P.I.P. Nos. 104 (Water Line), 105 (Storm Sewer), 106 (Pavement and Curbs), 107 (Sidewalks), and 108 (Street Lighting).
- 9. Public Improvement Permit Authorization Lancaster Commerce Center The Town Board authorized issuance of P.I.P. No. 79 (water main) and No. 80, (retention basin) on June 6, 1983.
- 10. Rezone Petition Earl P. Blair
 On February 19, 1987, this petition was referred to the Planning
 Board for review and recommendation. On March 4, 1987, the Planning
 Board recommended to the Town Board a favorable review of this rezone
 petition.
- 11. Rezone Petition Josela Enterprises, inc.
 On June 2, 1986, this petition was referred to the Planning Board for review and recommendation.
- 12. Rezone Petition John Nuttle and Phillip Martorana
 On April 6, 1987, this petition was referred to the Planning Board for review and recommendation.

STATUS REPORT ON UNFINISHED BUSINESS CONT'D:

13. Rezone Petition - Salvatore and Elinore Oddo
On March 16, 1987, the Town Board held a hearing on this matter and reserved decision. On April 6, 1987, the Town Board approved this rezone. The Town Clerk was directed to remove this item from future Town Board Agendas.

14. Rezone Petition - George Stephen
On August 11, 1986, this petition was referred to the Planning Board for review and recommendation. On September 15, 1986, the Town Board set a public hearing on this matter for October 6, 1986. On October 6, 1986, the Town Board held a public hearing on this matter and reserved decision on this matter until their next meeting scheduled for April 6, 1987. On April 6, 1987, the Town Board denied this rezone petition. The Town Clerk was directed to remove this item from future Town Board Agendas.

- 15. Rezone Petition Frank and Sandra Surianello
 On March 16, 1987, the Town Board held a hearing on this matter and reserved decision on this matter until their next meeting scheduled for April 6, 1987. On April 6, 1987, the Town Board denied this rezone petition. The Town Clerk was directed to remove this item from future Town Board Agendas.
- 16. <u>Subdivision Approval Meadowland (Bosse)</u>
 On November 6, 1986, this matter was referred to the Planning Board Chairman, Chief Fowler, Highway Superintendent, Town Engineer, and Town Planning Consultant for review and report.
- 17. Subdivision Approval "The Meadows" Subdivision (Gialianza)
 On July 7, 1986, this matter was referred to the Planning Board
 Chairman, Chief Fowler, Highway Superintendent, Town Engineer, and
 Town Planning Consultant for review and report. On September 3,
 1986, the Planning Board recommended to the Town Board approval of
 this proposed subdivision. On September 26, 1986, the Planning Board
 rescinded their recommendation for approval of the preliminary plot
 previously adopted on September 3, 1986.
- 18. Traffic Study Intersection, Central Avenue and Impala Parkway
 On March 16, 1987, a request for a traffic light at this intersection
 was referred to the Police and Safety Committee and to the Police
 Chief for review and recommendation.
- 19. <u>Traffic Study Intersection, Genesee Street and Ransom Road</u>
 On December 1, 1986, the Town Board petitioned the NYSDOT for a lower speed limit in this area.
- 20. Traffic Study Speed Reduction, Pavement Road, Broadway North to Walden Avenue
 On August 19, 1985, this matter was referred to the Police Chief for investigation and recommendation.
- 21. <u>Traffic Study Speed Reduction. Peppermint Road</u>
 On March 16, 1987, this matter was referred to the Police and Safety Committee and to the Police Chief for Investigation and recommendation.
- 22. <u>Traffic Study Speed Reduction</u>, Ransom Road, Broadway North to Genesee Street
 On August 19, 1985, this matter was referred to the Police Chief for investigation and recommendation.

STATUS REPORT ON UNFINISHED BUSINESS CONT'D:

23. Zoning Ordinance and Map Update

On June 15, 1983, Consultant Richard Brox conveyed a draft to the Town Board and Planning Board. Numerous joint sessions have been held to resolve areas of concern. SEQR review, on the <u>ordinance only</u>, was held on July 18, 1984. The proposed map has not been subjected to SEQR review.

PERSONS ADDRESSING THE TOWN BOARD:

William Kornacki, 6060 Genesee Street, reported that chunks of concrete are falling from the Cemetery Road bridge. The Building Inspector was directed to notify Conrail and the County of Erie of this bridge deterioration.

Sy Kolassa, 118 Maple Drive, thanked the Town Board members for their efforts in the decision on the Super 8 Rezone matter.

Jim Guenther, 562 Pavement Road, asked Councilman Czapia for a status report on the proposed Discharge of Firearms Ordinance for the Town of Lancaster.

Carl Myers, 21 Main Street, commented on the truck traffic on Maple Drive, noting that some of the trucks are from home delivery of mail order and catalog goods.

Jim Stephens, 130 Maple Drive, expressed disappointment in the decision of the Town Board in denying the rezone on Maple Drive for the Super 8 Motel.

Sharon Carson, 4812 William Street, complained of dumping of debris on Penora Street near William Street. Building Inspector informed the Board that the new property owner, of the lots involved, will clean up the debris within the next few days.

Gordon Peterson, 5976 Genesee Street, complained that he was stopped from having top soil stripped and removed from his premises. The Highway Superintendent removed the top soil for use in the front yard at the Lancaster Town Center. He could not understand how it could be illegal if the top soil was given to the Town for municipal use.

Gloria Kubicki, 15 Maple Drive, asked what the Red Roof Inn plans to do with the property they own at the corner of Transit and north Maple Drive.

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COMMUNICATIONS:

Page 245 DISPOSITION

197.	Town Clerk to Planning Board Chairman - Re: Upgrading Publication - "Steps for Control of Land Subdivision."	PLANNING BOARD
198.	Town Clerk to Town Board - Notice of contracts due to expire 6/30/87.	TOWN ATTORNEY
199.	Town Engineer to Town Board - Re: Plum Estates Subdivision review.	R & F
200.	New York State Cultural Education Center to Supervisor -	R & F
	Invitation to celebrate 200th anniversary of National Constitution.	
201.	County of Erie Department of Environment and Planning to Supervisor - Re: Monthly Meeting 3/24/87 and Spring Program 4/27-28/87.	R & F
202.	Buffalo Philharmonic Orchestra Manager to Supervisor -	R & F
	Re: scheduled concert in Como Park 7/14/87.	
203.	Historical Society to Supervisor and Town Board - Re: Moratorium on rent for one year.	BUILDING COMMITTEE
204.	Supervisor to Town Board - Re: Bingo Inspection Rate Increase.	TOWN CLERK FOR SUSPENDED RESOLUTION
205.	Building Inspector to Bowmansville Fire Chief - Report of meeting held re: gas drilling at Sanitary Landfill on Gunville Rd.	R & F
206.	Supervisor to Assemblyman Graber and Sen.	R & F
	Request state aid for two projects.	
207.	State Assembly Speaker Miller to Supervisor - Announcement of highlights of new plan to reform New York's tax code.	R & F
208.	No Communication Assigned.	
209.	Depew Memorial Day Committee to Supervisor - Invitation to Board to participate in Memorial Day services and parade on 5/25/87.	R & F
210.	Priselac & Associates to Supervisor - Comments re: retirement plan for Town employees.	TOWN CLERK SUPERVISOR
211.	County Dept. of Emergency Services to Supervisor Notice of training session on pipe line safety to be held on 5/9/87 at the North Side Fire Station.	R & F
212.	County Off. of Criminal Justice Planning to Supervisor -	R & F
	Transmittal of proposed 1986 STOP-DWI Law Enforcement/Court Contracts.	
213.	N.Y.S. Dept. of Environmental Conservation to Lancaster Country Club - Notice of Complete Application re: SPDES.	R & F
214.	Twin District Fire co. to Town Clerk - Recommendation of new member to active roster.	R & F

DISPOSITION

215.	N.Y.S. Div. of Regulatory Affairs to Supervisor - Designation of Town as Lead Agency for The Meadowlands Subdivision.	SUBDIVISION FILE
216.	Jones Intercable to Editor - Apology for outage on 3/15/87.	R & F
217.	Bella Vista Management, Inc. to Supervisor - Request acceptance of Pasquale Dr. water line.	
218.	Tour treation Dies	R & F
219.	Planning Board to Town Board - Minutes from meeting held 3/18/87.	R & F
220.	Harold J. Zoerb to Town Board - Comments re: Zoerb rezone petition.	TOWN ATTORNEY BUILDING INSPECTOR
221.	Building Inspector to Town Board - Monthly report for March 1987.	R & F
222.	Building Inspector to Twin Lakes Homes - Directive and notice of expiration re: Building Permit No. 51.	R & F
223.	D.C.O. to Town Board - Monthly report for March 1987.	<u> </u>
224.	Supervisor to All Department Heads - Request for a once-a-week safety discussion with employees.	R & F
225.	County Dept. of Environment and Planning to Supervisor - Results of SEQR review of Oddo rezone.	R & F
226.	Sen. John R. Kuhl Jr. to Supervisor - Notice of hearings to be held on reform of the Agricultural Districts Law.	R & F
227.	Gordon "Buzz" Atwell to Police Chief - Commendation of Lt. Robert Mediak's performance during a burglar-in-progress.	TOWN ATTORNEY
228.	Dept. of Environment and Planning to Supervisor ~ Notice of Negative Declaratin re: ECSD No. 4 Lateral Sewer Extensions.	R & F
229.	Buildings Dept. Foreman to Town Baord - Request Richard Marino be granted an unpaid leave of absence for period 4/13-24/87.	R & F
230.	Town Clerk to Planning Board Chair Transmittal of rezone petition of John Nuttle and Phillip Martorana.	PLANNING BOARD
231.	The 1987 Legislative Program of the Association of Towns of the State of New York.	<u>R&F</u>
232.	Recreation Commission to Town Board - Minutes from meeting held 3/19/87.	R & F
233.	NYSEG to Town Clerk - Proposal re: purchase of Erie-Lackawanna RR abandoned R/W.	TOWN CLERK TOWN ATTORNEY

COMMUNICATIONS CONTID;		DISPOSITION	
234.	Monthly report for March 1097	R & F	
235.	LVAC to Town Board - Submittal of specs for 1987 ambulance with request for bid opening of 4/28/87.	R & F	
236.	County Dept. of Youth Services to Supervisor - Re: Mtg. of Rural Needs/Recreation Committee.	R & F	
237.	Notice of pre-construction meeting to be held	R & F	
238.	Disclosure Unit -	R & F	
239.	Supervisor to Mr. John Urschel - Notice of referral of request to Recreation Commission.	R & F	
The Supervisor requested a suspension of the necessary rule for immediate consideration of the following communication - SUSPENSION GRANTED.			
240.	Bowmansville V.F.A. to Town Board - Recommendation of new members to active roster.	R & F	
241.	S. Kolassa, Maple Dr. resident to Town Board - Re: Rezone of Motel.	R & F	
242.		R & F	
243.	Supervisor to Highway Superintendent - Accounts properly charged.	R & F	

ON MOTION OF COUNCILMAN CZAPLA, AND SECONDED BY THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 11:45 p.m. out of respect to:

DR. MILTON PALMER

244. Krehbiel Associates to Town Board - Re: Sewer Rehabilitation Project.

Signed Robert P. Thill, Town Clerk

SEWER COMMITTEE & TOWN ATTORNEY